

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BFI WASTE SYSTEMS OF NORTH  
AMERICA, LLC,

Plaintiff,

vs.

SHAW ENVIRONMENTAL &  
INFRASTRUCTURE, INC., et al.,

Defendants.

)  
)  
)  
) Case No. 4:09-CV-01379 HEA  
)  
)  
)  
)  
)  
)  
)  
)  
)

**DEFAULT JUDGMENT ORDER**

On this 2nd day of March 2010, the Court considers Plaintiff BFI Waste Systems of North America, LLC's Motion for Entry of Default and Default Judgment Against MoPass V, LLC and Biomass Development, Inc. (the "Motion"). The Court, after having examined the pleadings and papers filed in the captioned action and being fully advised, finds that (1) this Court has jurisdiction over the parties and the subject matter of this action, and venue is proper this district; (2) MoPass V, LLC ("MoPass") and Biomass Development, Inc. ("Biomass") were properly served with process, but have failed to answer or otherwise respond within the time required by law; (3) MoPass and Biomass are in default in this action; (4) Plaintiff is entitled to default judgment against MoPass and Biomass in accordance with the relief requested in Plaintiff's Complaint; and (5) there is no just reason for delay and judgment should be entered in favor of Plaintiff and against Defendants MoPass and Biomass.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that the Court grants the Motion;

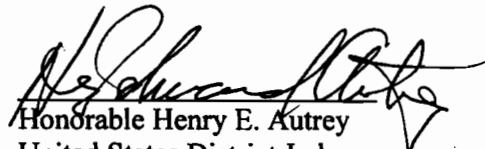
**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Judgment is entered in favor of Plaintiff and against MoPass on Counts I, II, III, IV and V and in favor of Plaintiff and against Biomass on Count VI in the amount of \$1,377,644.22, for which MoPass and Biomass are jointly and severally liable until the Judgment is paid and satisfied in full;

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that pursuant to 42 U.S.C. § 9613(g)(2), Plaintiff is awarded and MoPass and Biomass shall pay all future CERCLA response costs for investigating and remediating existing gas migration at the Missouri Pass Landfill site that are necessary and consistent with the National Contingency Plan;

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff is awarded and MoPass and Biomass shall pay all future operation, maintenance and repair costs for the Missouri Pass Landfill gas collection system, all future post-closure care costs required under the October 22, 2001 Landfill Gas Asset Purchase Agreement between the parties, and all future property taxes levied against the Missouri Pass Landfill until October 22, 2021.

**IT IS SO ORDERED.**

Dated: March 2nd, 2010

  
Honorable Henry E. Autrey  
United States District Judge